

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Houston Division

United States Courts  
Southern District of Texas  
FILED

MAR 26 2021

Nathan Ochsner, Clerk of Court

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Shivam Patel

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

United Airlines Inc

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

## COMPLAINT FOR EMPLOYMENT DISCRIMINATION

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Shivam Patel
Street Address	1402 Brighton Fort Drive
City and County	Houston Harris
State and Zip Code	Texas 77073
Telephone Number	5712949099
E-mail Address	Shivam86@msn.com

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

Defendant No. 1

Name  
Job or Title *(if known)*  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address *(if known)*

United Airlines  
Jason Fleming Corporate Security  
4849 Wright Road Bldg B  
Houston, Harris  
Texas 77032  
281-553-1832  
Jason.Fleming@united.com

Defendant No. 2

Name  
Job or Title *(if known)*  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address *(if known)*

Defendant No. 3

Name  
Job or Title *(if known)*  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address *(if known)*

Defendant No. 4

Name  
Job or Title *(if known)*  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address *(if known)*

**C. Place of Employment**

The address at which I sought employment or was employed by the defendant(s) is

Name	Not Applicable Still employed
Street Address	
City and County	
State and Zip Code	
Telephone Number	

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

- ☒ Other federal law *(specify the federal law)*:

Sexual Harassment and Retaliation based on internal complaints of discrimination and EEOC charge number 460-2020-02217 in violation of Title VII Civil Rights Act of 1964.

- ☒ Relevant state law *(specify, if known)*:

Discrimination based on color, sexual harassment and retaliation for filing complaints of discrimination in violation of TCHRA.

- ☐ Relevant city or county law *(specify, if known)*:

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: \_\_\_\_\_

*(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)*

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)  
April 27<sup>th</sup> 2020 to September 2020.

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C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☐ race \_\_\_\_\_
  - ☒ color Brown
  - ☒ gender/sex Sexual Harassment in the restroom someone watching my genitals.
  - ☐ religion \_\_\_\_\_
  - ☐ national origin \_\_\_\_\_
  - ☐ age *(year of birth)* \_\_\_\_\_ *(only when asserting a claim of age discrimination.)*
  - ☐ disability or perceived disability *(specify disability)* \_\_\_\_\_
- 

E. The facts of my case are as follows. Attach additional pages if needed.

On April 27<sup>th</sup> 2020, I was issued written warning for allegedly urinating too far from the restroom by Stores Managers Ben Brea and Emad Syed. This incident occurred 12 days after filing EEOC charge 460-2020-02217 and closure of internal complaint of discrimination which was filed on around January 30<sup>th</sup> 2020. I told the managers in the meeting that I was retaliated against but Stores Manager Emad Syed said it was a different person and refused to investigate the allegation as required by the law. Additionally, I am seeking discovery under rule 34 and rule 33 for interrogatory purpose under federal rules of civil procedure. See EEOC charge number 460-2021-00308 for further details.

*(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)*

#### IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

January 8<sup>th</sup> 2021

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* 1/15/2021 .

*(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)*

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

#### V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Seeking maximum amount of compensatory damages under the federal and punitive damages based on jury award due to the fact the defendant refused to rectify discrimination and retaliation. Also, seeking injunctive relief against United Airlines to deter future acts of discrimination and retaliation against any employees and applicants including but not limited to termination of employment of the complainant

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## VI. Certification and Closing

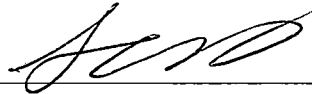
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 3/26/2021

Signature of Plaintiff



Printed Name of Plaintiff Shivam Patel

### B. For Attorneys

Date of signing: \_\_\_\_\_

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Street Address \_\_\_\_\_

State and Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

EEOC Form 5 (11/09)

<b>CHARGE OF DISCRIMINATION</b>  This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s):  <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC <b>460-2021-00308</b>	
<b>TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION</b> and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) <b>MR. SHIVAM PATEL</b>		Home Phone <b>(571) 294-9099</b>	Year of Birth
Street Address City, State and ZIP Code <b>1402 BRIGHTON FORT DRIVE, HOUSTON, TX 77073</b>			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>UNITED AIRLINES</b>		No. Employees, Members <b>501+</b>	Phone No. <b>(281) 553-1596</b>
Street Address City, State and ZIP Code <b>4849 WRIGHT ROAD BLDG B., HOUSTON, TX 77032</b>			
Name		No. Employees, Members	Phone No.
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).)  <input type="checkbox"/> RACE <input checked="" type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest <b>05-01-2020 09-30-2020</b>  <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <b>I believe that I have been discriminated against because of my race, South Asian American and color (Brown), my sex, male, by being sexually harassed, and retaliated against for filing internal complaints and a recent charge of discrimination with EEOC.</b>  <b>On April 15, 2020, I filed EEOC charge number 460-2020-02217, alleging discrimination based on my race, color and disability; in that; on January 30, 2020, I used the bathroom in Hangar A. Someone reported to Jesus Silva (Store Supervisor) that I urinated three feet away from the urinal.</b>  <b>Stores Managers Ben Brea and Emad Syed falsified the write-up on April 27, 2020 stating multiple people saw me urinate too far from the urinal. Mr. Syed suggested to me that if I don't like my genitals being watched then I should use the ladies restroom. Mr. Syed mentioned in the letter that 'I admitted to past occurrences of urinal incident during January 2020 meeting'. In April 27, 2020 meeting, Mr. Syed and Mr. Brea verbally mentioned that</b>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
<b>Digitally signed by Shivam Patel on 01-08-2021 01:08 PM EST</b>		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

EEOC Form 5 (11/09)

<p align="center"><b>CHARGE OF DISCRIMINATION</b></p> <p>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p><input type="checkbox"/> FEPA</p> <p><input checked="" type="checkbox"/> EEOC <b>460-2021-00308</b></p>
<p align="center"><b>TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION</b> and EEOC</p> <p align="center"><i>State or local Agency, if any</i></p>	
<p><b>there was incident in August 2019 to which I was not notified. After United's internal investigation, Jason Fleming (Corporate Security) said there was one person that wrote a statement contradicting the write-up.</b></p> <p><b>I don't know who the complainant is, but I informed the individual is a white male and had to leave the company after I filed the complaint and charge. My charge was dismissed August 5, 2020 but the retaliation began.</b></p> <p><b>After filing my complaints of discrimination within the company and with the EEOC, Mr. Brea Ben and Mr. Syed have threatened me. In May 2020, Mr. Brea threatened me and told me that he was going to do physical harm (hand gestures) to me because of my complaints. In September 2020, Mr. Syed told me that he would find a way to discipline me and then terminate my employment. Mr. Syed also told me that my genitals were being watched and that I was sexually harassed.</b></p> <p><b>Based on the incidents that have occurred, I believe that I have been discriminated against in violation of Title VII of the Civil Rights Act of 1964, as amended based on my race, color, sexually harassed by someone who watched my genitals and retaliated against because of the recent EEOC charge and internal complaint(s) of discrimination that I have filed.</b></p>	

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>NOTARY – <i>When necessary for State and Local Agency Requirements</i></p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p align="center"><b>Digitally signed by Shivam Patel on 01-08-2021 01:08 PM EST</b></p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>



EEOC Form 161 (11/2020)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Shivam Patel**  
**1402 Brighton Fort Drive**  
**Houston, TX 77073**

From: **Houston District Office**  
**Mickey Leland Building**  
**1919 Smith Street, 7th Floor**  
**Houston, TX 77002**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**460-2021-00308**

**Marilyn Blackshear,**  
**Investigator**

**(346) 327-7671****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

**JEREMY**  
**CROSBIE**

Digitally signed by  
 JEREMY CROSBIE  
 Date: 2021.01.15  
 14:04:30 -06'00'

for

01/15/2021

Enclosures(s)

**Rayford O. Irvin,**  
**District Director**

(Date Issued)

cc:

**Megan Detzner, Sr. Manager**  
**Sr. EEO Compliance**  
**UNITED AIRLINES**  
**233 E. Wacker Drive,**  
**Hdql, 11th Floor**  
**Chicago, IL 60606**

**TWC Civil Rights Division**  
**101 East 15th St.**  
**Guadalupe-CRD**  
**Austin, TX 78778**